

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 07-046V

(Not to be published)

DIANE DAVIS and
ANDREW DAVIS,
as parents of J.D., a minor,

Petitioners,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES

Respondent.

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Filed: May 27, 2015

Decision on Attorneys'
Fees and Costs

DECISION (ATTORNEYS' FEES AND COSTS)

In this case under the National Vaccine Injury Compensation Program,¹ I issued a Decision on April 20, 2015. On May 22, 2015, the parties filed a Stipulation Regarding Final Attorneys' Fees and Costs in this matter.² The parties' stipulation requests a total payment of \$5,407.37, representing attorneys' fees and costs of \$5,157.37, and \$250.00 of costs expended by Petitioners.

I find that this Petition was filed and pursued in good faith and with a reasonable basis. Thus, an award for fees and costs is appropriate at this time, pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1). Further, the proposed amounts seem reasonable and appropriate. Accordingly, I hereby award the following attorneys' fees and costs pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1):

¹ The applicable statutory provisions defining the program are found at 42 U.S.C. § 300aa-10 *et seq.* (2006).

² I note that the parties' Stipulation includes a discussion of respondent's statutory objection to "interim fees" in general. (see footnote 1.) Since this Decision does not involve "interim fees," there is no need to discuss that issue.

- a lump sum of \$5,157.37, in the form of a check payable jointly to petitioners and petitioners' counsel, Patricia Finn, on account of services performed by counsel's law firm.
- a lump sum of \$250.00, in the form of a check payable to petitioners, which represents petitioners' own litigation expenses in this case.

In the absence of a timely-filed motion for review filed pursuant to Appendix B of the Rules of the U.S. Court of Federal Claims, the clerk of the court shall enter judgment in accordance herewith.³

IT IS SO ORDERED

/s/ George L. Hastings, Jr.
George L. Hastings, Jr.
Special Master

³ Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing the right to seek review.